

forth on page 4 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

Lindholm et al. does not constitute prior art with respect to the present application.

The present application claims priority under 35 U.S.C. §120 to parent application Serial No. 09/496,200 which was filed on February 2, 2000. Thus, the present application has an effective U.S. filing date of February 2, 2000.

By contrast, *Lindholm et al.* has an effective U.S. filing date of September 6, 2000. Thus, it is respectfully submitted that *Lindholm et al.* does not constitute prior art with regard to the present invention.

The grounds for rejection are incorrect as a matter of law and should be withdrawn.

OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

Claims 11-20 stand rejected under the judicially created doctrine of obviousness-type double patenting over claim 9 of *Lindholm et al.* on the grounds set forth on paragraph 7 of the Official Action. This rejection is respectfully traversed.

The only distinction between claims 11-20 of the present application and claim 9 of *Lindholm et al.* that is acknowledged in the grounds for rejection is the "recitation of weight percentages" (recited in claim 11 of the present application). However, there are numerous additional distinctions between the presently claimed invention and the invention claimed by *Lindholm et al.* that are not mentioned, much less an explanation given as to how these distinctions would have been obvious to one of ordinary skill in the art. Thus

the rejection clearly fails to establish a *prima facie* case of obviousness-type double patenting.

The following table illustrates the numerous differences in the claimed subject matter that the grounds for rejection fails to address.

Claim 11

A method of making a cutting insert

comprising a cemented carbide body having a binder phase, with a binder phase enriched surface zone, and a binder phase depleted cutting edge, and a coating,

comprising the steps of:

forming a powder mixture containing WC, 2-10 wt. % Co, 4-12 wt. % of cubic carbides of metals from groups 4, 5 or 6 of the periodic table, the binder phase having a CW-ratio of 0.75-0.90;

adding N in an amount of between 0.9 and 1.7% of the weight of the elements from groups 4 and 5;

mixing said powder with a pressing agent;

milling and spray drying the mixture to a powder material;

compacting and sintering the powder material at a temperature of 1300-1500 C, in a controlled atmosphere of sintering gas at 40-60 mbar followed by cooling;

applying post-sintering treatment; and

Claim 9 of U.S. Patent 6,326,093

A method of making a cutting tool,

the method comprising:

forming a powder mixture containing WC, Co and cubic carbides;

mixing said powders with pressing agent and W metal such that the desired CW-ratio is obtained;

milling and spray drying the mixture to a powder material with the desired properties;

pressing and sintering the powder material at a temperature of 1300-1500° C, in a controlled atmosphere of about 50-mbar followed by cooling to form a substrate; and

Claim 11

applying a hard, wear resistant coating
by CVD- or MT-CVD-technique.

Claim 9 of U.S. Patent 6,326,093

applying a hard, wear resistant coating
by PVD techniques comprising:

depositing a first innermost bonding
layer of TiN;

depositing a second layer comprising a
0.05-0.2 μm thick multilayered
structure of sublayers of the composition
($\text{Ti}_x \text{Al}_{1-x}$)N in which x varies repeatedly
between the two ranges $0.45 < x < 0.55$ and
 $0.70 < x < 0.80$, the first sublayer of
($\text{Ti}_x \text{Al}_{1-x}$)N adjacent to the TiN bonding
layer having an x-value in the range
 $0.45 < x < 0.55$, the second sublayer of (Ti_x
 Al_{1-x})N having an x-value in the range
 $0.70 < x < 0.80$ and the third sublayer
having an x value in the range
 $0.45 < x < 0.5$, and so forth repeated until
8-30 sublayers are built up;

depositing a third at least 0.2 μm thick
layer of ($\text{Ti}_x \text{Al}_{1-x}$)N, where x is in the
range $0.45 < x < 0.55$;

depositing a fourth outermost layer of
TiN;

wherein the total coating thickness is
in the range of 2-9 μm and the thickness of
the second layer constitutes 75-95 % of the
total coating thickness.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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Attachment to Amendment dated March 31, 2003

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Page 1, Paragraph beginning at Line 1.

--This application is a divisional of [Application No. 09/496,200, filed on February 2, 2000] Patent No. 6,333,100 which issued on December 25, 2001.--